

**INTERNATIONAL JOURNAL OF LAW**  
**MANAGEMENT & HUMANITIES**

**[ISSN 2581-5369]**

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**Volume 5 | Issue 2**

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**2022**

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# Dowry Death: A Neglected Public Health Issue in India

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## ABSTRACT

*From the womb to the grave, women are victims. The demand for dowry, as well as the killing for dowry, are examples of victimization. The family are concerned about the future, which begins with the arrival of a girl kid solely for the sake of dowry. "Since I do murder her presently; someday she can murder me economically and another person will blaze them for the sake of money." This is the justification of would-be parents of a girl child when deciding to take her own life early. Dowry is a pecuniary either in payment offered by the newly-wed to the husband's family in gratitude for the bride being given away in an Indian marriage. The government has taken initiatives to improve the status of women in society, together with enacting specific provisions namely the Dowry Prohibition Act 1961 and the Indian Penal Code, 1860, that also prohibits the request, offer, and grab the dowry. Notwithstanding such legislation, the procedure of marriage settlements and the occurrence of dowry demise exist in India.*

**Keywords:** Dowry, Dowry Deaths, Government, Legislation, Status of Women, Section 302-B of I.P.C., Section 498-A of I.P.C., Section 113-B of I.E.A.

## I. INTRODUCTION

Dowry, which was once only practised by Hindus, has now extended to practically everyone in society. The Vishay Hindu section was the first to practise dowry. It eventually spread to other Hindu communities. Following that, as Islamic and other clans increased in India, this societal vile straighten out to them, influencing them. Even if the society and the population claim to be informed and educated, the dangers of the Dowry system have become a major and unethical social stigma in modern India. This results in repression, savagery, and substantial intimidation toward the girl, furthermore frightful investment and psychic hardship for the wife's parents and members of the family, as well as disputes in the marriage and at the husband's home. Although we live in a world where it is illegal to demand Dowry during or after a marriage, the awful issue of the Dowry System still persists in our society<sup>2</sup>.

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<sup>2</sup> Muhammadullah Khalili Qasmi, Dowry: A Heinous Social Crime, <http://www.deoband.net/blogs/dowry-a->

The dowry sickness, like cancer, has spread at an alarming rate, necessitating immediate action to remove this scourge. Among the several societal issues that India faces, dowry is horrible. India is a country where girls are revered as 'sati,' but they are also physically burned, mentally tortured, and financially exploited. Her in-laws are harassing her.

## **II. ORIGIN OF DOWRY**

It's impossible to tell for sure how and where the dowry system began, although a few believe it began as a bridal gift to a daughter's family in Rome. The bride price, sometimes referred to as pawn, was a historical Bangladeshi practice under which the husband's parents had to pay the wife's family. The dowry has moderately put back the bridal price; this shift in ordinance took up in the 1960s, and by the expeditious twenty-first century, the dowry had completely replaced the bride price. Daughters typically did not receive anywhere from his family fortune. Instead of just a wedding, they got money from their family. The aim is to provide the bride with just as much lifetime stability as the family could afford.

So, It is necessary to talk through the principle and motive of the dowry system before delving into depth about it. In India dowry is an intrinsic element of the wedding. Marriage was regarded as a communion, a divine union of flesh with humanity, which would remain even in the next world, according to the Brahada Narayank Upanishad. According to epics such as the Ramayana, the woman was contemplated half of the men's body, "Ardhangini" and "Dharmapatni," a mate and right adviser to be involved at all sanctified rites and ceremonies with the husband. Again Gandhi declared "the woman is neither the slave of man but she was his mate and active participant in all happy and sad moments. "Manu also told when a boy and girl are married in the wedding he and she require that there have been no distinctions among the two and they persist loyal to each other.

## **III. THE MEANING OF DOWRY**

The dowry system in India mentioned the commodities, money, and tangible or portable goods that the girl's family gives to the boy's parents and relatives as a condition of marriage. Dowry is a monetary payment or gesture given to the groom's family in regard to the bride, and it incorporates currency, gold, electrical devices, furniture, and other housewares that assist the newlyweds set up their home. Dowry is pertained to that as jahez or dahez in Urdu.<sup>3</sup>

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heinous-social-crime

<sup>3</sup> Dowry Definition & Meaning, Merriam Webster, <https://www.merriam-webster.com/dictionary/dowry>

"It is wonderful to swim in a sea of heritage, but to go down in it is self-destruction," Gandhi stated, referring to the flaws inherent in the Indian social order. Dowry's death is a disgrace to our culture. It is never used by the poor; the wealthy do not require it because it is essentially an economic complex. "Money is the root of all evils," says the proverb. Mahatma Gandhi preferred that girls stay unmarried for the rest of their lives, rather than be humiliated and dishonoured by marrying dowry-seeking men.

#### **IV. LEGAL SERVICES AVAILABLE TO THE VICTIMS**

The creators of the Indian constitution intended to use the legislation to enable women in India a stronger chance. The creator of the Indian constitution takes into account that Indian girls are certainly not in an excellent state in each segment of humanity. In our preamble, we state that we want to better the situation of women by ensuring justice, equality, and liberty. The constitution's third section covers an extensive list of essential rights.

With the growing cases of dowry death cases in India, the government issues framework for trading with so many instances, and rules has been modified to strengthen the legalized structure in order to protect and support sufferer of dowry killings or exploitation. The Indian Penal Code (I.P.C. ), the Indian Evidence Act (I.E.A. ), the Criminal Procedure Code (Cr.P.C. ), and the Dowry Prohibition Act (D.P.A.) all serve to preserve wife from dowry demise or cruelty originating from dowry disputes.

- **Section 304(b) of Indian Penal Code, 1860 :**

Section 304(b) of the IPC relates with "Dowry Killings," which is "cognizable, non-compoundable, and to be endeavour in a law court," and carries a sentence of at a minimum of seven years, but up to captivity. The demise must be led up to by dowry-related exploitation and persecution, and it must occur in exceptional situations before 7 years of the wedding. In these cases, the boy or family, as the instance could be, will be detained accountable for her demise and will profile a court case. The considered establishes an audacity of misconduct, both in terms of objective and effort.

According to Supreme Court's judgement in Prativa Rani Vs. Suraj Kumar, dowry can be categorized into four phases under the Act:-

1. Demand for dowry, whether or not marriage occurs;
2. Both parties agree to give and acquire dowry.;
3. Dowry offer and take hold of;

4. The bride's dower will be delivered to them by the man and his relatives.

The aforementioned components are related to dowry insistence, offering and to take hold of, and inability to give back the money, however, assets provided after the wedding can not be considered dowry."

The Supreme Court of India declared in *Satvir Singh and others v. State of Punjab*<sup>4</sup> and others that the persecution or brutality where the girl is treated should not occur concurrently with the claim for dowry, but instead just "immediately before her death."

- **Section 498(a) Indian Penal Code, 1860 :**

Whatever, as a boy, relation, or in-law of a girl, subjected that girl to brutality, harassment, or torture will be penalized by confinement for a term of up to 3 years and a fine. The lady is driven by cruelty, which can be either mental or physical.

Offences under Sections 304(b) and 498(a) are not chargeable, making it difficult for the accused to obtain release, and the court must exercise extreme caution when granting bail in dowry killing cases. Brutality is an ordinary element in the offence under the two sections 304(b) & 498(a) of the Indian Penal Code, and a person acquitted under section 498(a) of the Indian Penal Code is acquitted under both sections 304-B and section 498(a) of the Indian Penal Code. The depiction of brutality is defined in section 498(e) explanation. The meaning of the section is not given, but cruelty and harassment are the information in section 498(a) further request to section 304(b). Brutality is an offence under section 498(a) of the Indian Penal Code. In *Balwant Singh and others v. State of Himachal Pradesh*<sup>5</sup> case, a two-judge panel concluded that an individual who is absolved under section 304 (b) of the I.P.C. could be sentenced under section 498(a) of the I.P.C. since the two sections of the I.P.C. are not mutually inclusive.

- **Section 113(b) Indian Evidence Act :**

Although, the query is either if a person caused the dowry killing of a woman and which is demonstrated especially this woman were put through brutality or persecution by the equivalent individual presently prior to her demise or in association with a piece of insistence for dowry, the bench will speculate especially such individual caused the dowry death. When a judicature uses the term shall presume, it signifies that the bench has been administering by this move to presume particularly there is an irrefutable presumption.

When it is demonstrated that the accused subjected the lady to brutality and persecution for

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<sup>4</sup> (2001) 8 SCC 633; 2002 SCC (Cri) 48; AIR 2001 SC 2828; MANU/SC/0588/2001

<sup>5</sup> (2008) 15 SCC 497; (2009) 3 SCC (Cri) 1094; 2008 CriLJ 4683; MANU/SC/4359/2008

dowry shortly prior to her demise, the bench will speculate that the summons caused dowry death, and the burden of proof will be on the summons to refute the assumption. The SC explains that the word "soon before" is a comparative word that must be applied in the circumstances of one and all instances and that no straight-jack laws can be established by specifying any time.

In the case of *Kamlesh Panjiyyar v. the State of Bihar*<sup>6</sup>, the bench stated especially if section 113(b) of the I.E.A. and section 304(b) of the I.P.C. are read together, there must be evidence presented prior to the bench announcing that the husband or husband's relatives were cruel and harassing the wife in the organization to penalize the summons on the topic of dowry killings.

## **V. CONCLUSION**

The Indian government, with the help of the state's adjudicating body, has been rationally fortunate in enacting the most reasonable, collaborative, and supportive provisions and legislatures to safeguard wife's scrutiny, lives, and nobility, and to provide impartiality to victims of harassment, cruelty, and dowry deaths. To remove or at least minimize this renowned issue of dowry demand in our country, some harsh corrective measures must be implemented, notwithstanding evidently, it takes collective will and commitment to renounce the communal and acquisitive wrongful thirst for dowry. These are the flaws that have been addressed by the identical award laureates, scholastics, & intellectuals who drafted this restriction with the goal of protecting women from the horrible crime of dowry.

The following solutions are taken into consideration in order to eradicate these social problems from society:

- a) The parents should be adamant about getting their daughter a good education by using their money for this rather than for dowry.
- b) Traditional religious taboos, social norms, and other traditions that have no meaning in this new century must have been overcome.
- c) People must adopt a new style of thinking and a new mindset towards women. Women's advancement necessitates a shift in mindset. All people are equal; there should be no distinction in society between men and women.
- d) Education is the most important aspect of improving women's lives in society. As a result, it is the first and most important responsibility.

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<sup>6</sup> (2005) 2 SCC 388; 2005 SCC (Cri) 511; AIR 2005 SC 785; MANU/SC/0076/2005

- e) Criminals who target women require disincentive damnation and must be share-out harshly for the reason that they violate not just the rules, but also normative standards.
- f) Legislation is one of the most important mechanisms for eradicating societal evils such as dowry and dowry death. Women must be able to raise their voices and appropriately claim their rights as a result of legislation that is more favourable to them.
- g) In order to create girls more autonomous, the administration should grab stairs to provide occupations that are appropriate for their qualifications, allowing them to be free of family obligations and no longer reliant on other family members.

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